

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

Division

FILED

MAR 11 2024

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
DEP CLK

Case No.

5:24-CT-3060-M

(to be filled in by the Clerk's Office)

Mr. Hayie'Shaune D. Wright

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

"FNU" E. Greene, et. al. ("see attached")

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Mr. Hailey Shaune Devore Wright
 All other names by which
 you have been known: "2hay"; "Favage"; and "Real Biggy Dery"
 ID Number 1346493
 Current Institution Granville Correctional Institution
 Address 1001 Verzey Road
Butner NC 27509
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name "FNU" E. GREENE
 Job or Title (*if known*) Programs Director
 Shield Number _____
 Employer NCDAC/DPS
 Address 1001 Verzey Road
Butner NC 27509
 City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name "FNU" Mr. S. FRASER
 Job or Title (*if known*) Food Service Manager
 Shield Number _____
 Employer NCDAC/DPS
 Address 1001 Verzey Road
Butner NC 27509
 City State Zip Code
☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name

"FNU" WEBSTER

Job or Title (if known)

CL1 - Sergeant

Shield Number

Employer

NCDAC/DPS

Address

1001 Veazey Road

Butner

NC

27509

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 4

Name

"FNU" WALKER

Job or Title (if known)

CL1 - Unit Manager

Shield Number

Employer

NCDAC/DPS

Address

1001 Veazey Road

Butner

NC

27509

City

State

Zip Code



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):



Federal officials (a *Bivens* claim)



State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1st Amendment; 5th Amendment; 8th Amendment; and 14th Amendment to U.S. Constitution

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

ATTACHED DEFENDANTS

Defendant No. 5

Name: "FNU" Ms D. May

Job or Title (if known): Psychological Service Manager

Employer: NCDAC/DPS

Address: 1001 Veazey Road, Butner, NC 27509

☒ Official Capacity

☒ Individual Capacity

Defendant No. 6

Name: JOHN DUE

Job or Title (if known): Mental Health Psychiatrist

Employer: NCDAC/DPS

Address: 1001 Veazey Road, Butner, NC 27509

☒ Official Capacity

☒ Individual Capacity

Defendant No. 7

Name: "FNU" Ms. L. PARKER

Job or Title (if known): Nurse Supervisor II

Employer: NCDAC/DPS

Address: 1001 Veazey Road, Butner, NC 27509

☒ Official Capacity

☒ Individual Capacity

ATTACHED DEFENDANTS

Defendant No. 8

Name: "FNU" Ms. SANDERS

Job or Title (if known): Correctional Case Manager

Employer: DPS/DAC

Address: 1001 Veazey Road, Butler, NC 27509

☒ Official Capacity

☒ Individual Capacity

Defendant No. 9

Name: Paula King

Job or Title (if known): Classification Coordinator

Employer: NCDAC/NCDPS

Address: 512 N. Salisbury St, Raleigh, NC 27604

☒ Official Capacity

☒ Individual Capacity

Defendant No. 10

Name:

Job or Title (if known):

Employer:

Address:

☐ Official Capacity

☐ Individual Capacity

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

All listed Defendant are in fact state actors who employed in NC prisons.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner/~~slave~~
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

@ Granville Correctional Institution CL1-CL-004

Date February 26, 2024 everyday until Plaintiff mailed complaint herein.

C. What date and approximate time did the events giving rise to your claim(s) occur?

February 26, 2024, approx. 1600hrs. / February 27, 2024: 0406hrs/1000hrs / 1600hrs. / 1505hrs.
February 28, 2024, approx. 0410hrs ; February 29, 2024, approx. 0900hrs / 1000hrs. / 1630hrs. / 0520hrs.
March 1, 2024, approx. 0920hrs. / 1010 hrs. / 1025 hrs.; March 2, 2024, approx. 0428hrs. / 0506hrs. / 1130hrs. (See Attached)

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

(See Attached "Affidavit / Complaint")

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

(See Attached "Affidavit / Complaint")

Noise bleed, laughing bleed, stomach cramps

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

To be immediately transferred within Plaintiff's custody level to not further be deprived by Defendants as well as to prevent future reprisals.

To file an immediate injunction to prevent any/all officers @ Granville to restrain from continuation of deprivements.

(See Attached Remedy / Relief)

ATTACHED REMEDY/RELIEF

> To remove Plaintiff from RfCP and restrain from giving Plaintiff another 120 days making it 24 months upon RfCP without any legit reason(s), and due to the harsh conditions Plaintiff endured during RfCP.

> Court, Attorney, Filing, etc. fees taxed to Defendants

> To be provide adequate medical/mental health treatment at another facility until Plaintiff's release from NCDAC/NCDPS custody, to confirm Plaintiff's health is in good conditions.

> Damages in the amount of \$1,000,000.00 for the deprivements in full to Plaintiff's trust

> Dismissal of Defendants contracts with NCDAC/NCDPS permanently barred and not a resign, demotion, etc. To prevent any possible deprivation(s) for future references.

> Provide Plaintiff with reimbursement of gain time, days, etc. placement upon minimum if not a immediate release from custody of NCDAC/NCDPS and/or any 'government custody'.

AFFIDAVIT / COMPLAINT

On February 26, 2024 I, Kayle' Shaune D. Wright, Plaintiff entered Granville Corr. Inst. [GCI]. On February 27, 2024 Plaintiff filed (attempted to submit DC-410 (i.e. Grievance)) of protective custody against "Jane/John Doe" Kitchen Manager for not given religious meals. Plaintiff is a Buddhist/Jewish believer and Plaintiff's meals and drinks should be wrap by a Jewish/Buddhist. Plaintiff's meals are not wrap and forced to eat regular meals that's not kosher.

After Plaintiff made attempt to submit DC-410 case manager assigned to Plaintiff (i.e. "FNU" Mr. Sanderson) served Plaintiff with a recommended for continuation upon RHCOP (i.e. Restrictive Housing for Control Purposes) for another 180 days (see. Attached 'Notice of Hearing'). Plaintiff requested for assistance at hearing, in which GCI Program Director "FNU" Ms. Greene denied Plaintiff due process and deliberately switched DC-123 (i.e. Notice of Hearing) on February 29, 2024 approximately 0900 hrs. at Plaintiff's cell door. Therefore Plaintiff was denied the Hearing and given a different DC-123 without Plaintiff's signature's see. Attached "Notice of Action Taken By Classification Authority". As you see no 2 signatures was signed and Plaintiff was inside cell there was no restraints, dated on 2/29/24. The Notice of Hearing dated 2/29/24 was also deliberately signed off by Greene. Greene is obviously depriving Plaintiff rights of due process and making an attempt to suppress such, after Plaintiff declared protective custody, in retaliation of Plaintiff's DC-410, given to "FNU" Bullock on 2/29/24; approx. 0520 hrs. "FNU" Sergeant Webster signed off on DC-123 and is the officer connected to tampering with Plaintiff's religious meals.

Sergeant "FNU" Webster on 2/28/24, approx. 1100 hrs. notified of kosher tray for Plaintiff in which Plaintiff was given kosher tray appearing to be tampered with. Officer-In-Charge [O.I.C.] was requested and denied. Approximately 1405 hrs. Webster went into 'blind-spot' and removed wrap again upon Plaintiff's tray tampering with Plaintiff's tray/meals with no juice(s) wrap.

Plaintiff's beliefs are that He prays before unwrapping meals, why? Because the kitchen should have a 'Jew' prepare all kosher meals that's prayed over and shouldn't be touched by no one other than a Jew. By acknowledging this deprivation Plaintiff immediately placed a request to notify Food Manager (i.e. "FNU" Fraser) as well as unit manager "FNU" Walker.

Walker is a Defendant in Plaintiff appealing tort No. 21-6050, therefore by Walker being Unit Manager, he's responsible for processing of DC-410's. By Plaintiff's DC-410's not being filed, etc. it's Plaintiff's beliefs that Walker is preventing Plaintiff to report and/or exhaust any/all remedies and seeking to deprive Plaintiff of due process by connection of Greene as well, why? Because by Plaintiff giving officers His DC-410's they (Officers Jones/John Doe) give to Walker placing Walker upon notice. So if Walker failed to process such that to Plaintiff is enough to seek remedy through courts due to his bystander liability.

Plaintiff has been upon R/CP since December, 2022 seeking mental health due to the harsh mental conditions Plaintiff's faced with little to no mental health aid, while Greene is seeking to extend Plaintiff's R/CP as well as "Paula thingy."

Plaintiff seeks religious to escape the harsh conditions of lack of communication, activities and/or any contact, but by Plaintiff's meals being tampered with is attempt by the officers and/or Facility Head (i.e. John Doe) to discourage Plaintiff's faith. Therefore Plaintiff is in belief that by preventing Plaintiff's DC-410's and tampering with meals is an attempt to all-in-all kill Plaintiff and suppress their tracks, etc. of such. Therefore Plaintiff is in imminent danger and wish to notify this Tribunal of Plaintiff's fear of health/mental/^{physical} deterioration and force to be given an extended sentence depriving Plaintiff from making minimum to be release!

On March 1, 2024 approximately 0920 hrs. Mental Health psychiatrist John Doe was notified of the above and failed to give any treatment nor 'tablet' for activities, etc. and was shown that Plaintiff was bleed from noise, and emergency medical was requested again, but was denied.

Mental Health John Doe is a psychiatrist and improperly trained by the Facility Psychological Service Manager (i.e.: "FNU" Ms. D. May). May knew that John Doe was not able to provide any treatment, placed John Doe in position knowingly that John Doe was going to deny all/any treatment due to that lack of training and continued to allow John Doe to deprive Plaintiff of treatment.

Plaintiff is denied medical as well as deliberately deprive from 'self-medication'. Please examine attachment "Offender Medication Refill Request". Plaintiff is allowed medication every 30 days, now the medical supervisor (Ms. L. Parker) only allowing Plaintiff to go without medication for 60 days now as well as depriving Plaintiff of medication and/or treatment for food, drug and/or covid test. Plaintiff has no knowledge of what substance was placed into food tray/meals that's causing the noise bleeds and blood that Plaintiff's spitting up.

Therefore to Plaintiff's belief and through the actions shown by defendants, the actions of food tampering, denial of medical/mental health treatment as well as preventing Plaintiff to report such is not tolerated by a decent society. These actions are outrageous and is in fact desired to inflict severe emotional distress as well as a wanton of pain to Plaintiff. Plaintiff is in fear that all meals are tampered with and a attempt to continue to deprive Plaintiff soon-to-be out of a life, due to the reckless disregard that was in fact reasonably foreseeable that such actions would cause a emotional distress reaction and effect to/from Plaintiff. Plaintiff is indeed in imminent danger, any further attempt to exhaust remedy may result in more severe health deterioration and/or further reprisals, deprivements, etc., even premeditating Plaintiff's isolation further without a fair and/or just hearing(s).

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

GRANVILLE CORRECTIONAL INSTITUTION [Q.C.1]

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

CL 1-C1-004, cell.

2. What did you claim in your grievance?

Protective Custody, Food Tampering, Reprisal and Denial of proper hearing (Replacing DC-123's).
Religious meals/Faith being tampered with in attempt to discourage faith and medical denial.

3. What was the result, if any?

Denied to be process

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Denied to be process to suppress wrongdoing, see Attached Affidavit/Complaint

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Officer Walker and other staff are prevent Plaintiff to file grievance.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Please see attache Affidavit / Complaint

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

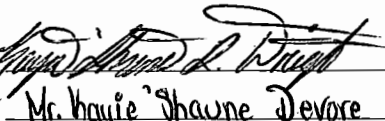
Date of signing: March 4, 2024

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address


Mr. Wayne Devore Wright
1346403
1001 Veazey Road
Butner NC 27509
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City State Zip Code

Telephone Number

E-mail Address

